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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1404 OF 2007

The State of Maharashtra ... Appellant

V/s.

Sau.Rekha Santosh Gosavi ... Respondent

Mr.A.S. Shitole, APP, for Appellant

CORAM: **D.G. DESHPANDE &**
SMT.NISHITA MHATRE, JJ.

DATED: **JUNE 12, 2007**

P.C.:

. Heard the learned Assistant Public Prosecutor. The respondent has been acquitted of the offence of murdering her own 5-year old child and, hence, this application for leave to appeal.

2. The father of the child was suffering from HIV and according to the prosecution, the mother killed the child in order that she gets the entire property for herself. The trial Court has disbelieved the story because the respondent and her husband had three more children. Secondly, there was one eye witness Suresh Ghorpade. But his evidence was found full of suspicion. The trial Court has treated him as a chance witness. There was no corroboration to his testimony even though according to him, four other labourers were accompanying him when he allegedly saw the respondent throwing the child in the well. The entire case of the prosecution

right from the story of the motive till the eye witness was found doubtful and, therefore, the accused was given the benefit of doubt. No interference is called for. Application rejected.

(D.G. DESHPANDE, J.)

(SMT.NISHITA MHATRE, J.)